

MINUTES
MALIBU CITY COUNCIL
QUARTERLY MEETING
JANUARY 29, 2003
CITY HALL
6:00 P.M.

CALL TO ORDER

Mayor Jennings called the meeting to order at 6:10 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Jeffrey Jennings, Mayor Pro Tem Ken Kearsley, Councilmembers Sharon Barovsky, Joan House and Andrew Stern.

ALSO PRESENT: Katie Lichtig, City Manager; Julia James, Administrative Services Director; Drew Purvis, Planning Director; Vic Peterson, Building Official; Rick Morgan, City Engineer / Acting Public Works Director; Paul Adams, Parks and Recreation Director; Pete Lippman, City Treasurer; Barbara Cameron, Grant Writer; and Lisa Pope, City Clerk

FLAG SALUTE

Bill Keonoker led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Mayor Pro Tem Kearsley moved and Councilmember Barovsky seconded a motion to approve the agenda. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Pope reported that the agenda for the meeting was posted on January 24, 2003.

PUBLIC COMMENTS

None.

COUNCIL COMMENTS

None.

1. New Business

A. Mid-Year Financial Report and Priorities for the Upcoming Fiscal Year 2003-04 Budget

Staff recommendation: Receive staff's presentation.

Administrative Services Director James provided an overview of the Mid-Year Financial Report.

City Treasurer Lippman presented the City Treasurer's report.

Administrative Services Director James discussed the Governor's proposed budget including reduction in Vehicle License Fees (VLF) and impacts to the City's budget. She presented a proposed Five-Year Financial Model for the City.

City Manager Lichtig provided an update on the VLF issue and indicated it seemed likely that budget cuts would not be made this fiscal year.

Councilmember House asked if budget projections would be met this fiscal year. Administrative Services Director James stated it was anticipated that the City would stay on budget. Councilmember House questioned the conservative estimate regarding the amount of property tax the City would receive. City Treasurer Lippman discussed the historical property tax received by the City. He explained that the budget indicated a 6% increase which he felt was too low. Administrative Services Director James explained that the estimate was based on the County Assessor's estimate. She explained that she budgeted conservatively.

Councilmember House discussed the possible expenditure reductions included in the staff report and indicated she felt strongly that the City Hall set aside should not be reduced, maintenance of roads should not be deferred, the use of consultants should be reviewed by the Administration and Finance Subcommittee, programs and personnel that are not legally required should not be eliminated and the level of street and/or parks maintenance should not be reduced.

Councilmember House reviewed the revenues by fund. She discussed the variations from projected revenues. She expressed concern that there was too much flexibility within the budget. City Manager Lichtig explained that additional expenditure appropriations always came before the Council for approval. Councilmember House suggested her concerns be discussed further at an Administration and Finance Subcommittee meeting.

Mayor Pro Tem Kearsley asked how much money would be lost if the VLF backfill was not received this fiscal year. Administrative Services Director James indicated \$250,000 would be lost. Mayor Pro Tem Kearsley asked how much would be lost next fiscal year. Administrative Services Director James indicated \$500,000. Mayor Pro Tem Kearsley suggested the budget be established considering the worst-case scenario. He provided the following input on the upcoming budget: maintain COLA; reduce or eliminate professional services related to the cable franchise experts; scale back on computer

replacement but increase maintenance; review possible lease of vehicles; maintain not legally required personnel, do not impose an employee contribution to health insurance costs, reduce street maintenance crew to 2 man/5 day street maintenance crew; reduce general fund grants; reduce city hall set aside by \$75,000 or \$100,000; and continue general fund reserve.

Councilmember Stern concurred with the comments by Councilmember House and Mayor Pro Tem Kearsley.

Mayor Jennings stated he felt the VLF impacts would be less than anticipated. He suggested utilizing city hall set aside and general fund reserve to provide a cushion during the short-term problem. He stated he felt comfortable with the General Fund reserve. He stated he did not think it was a good idea to reduce street maintenance, vehicle reserve, or replacement of computers and vehicles. He stated he was not in favor of slowing down capital improvement projects. He indicated he was not in favor of eliminating COLA or requiring employee contribution for health benefits. He stated he could support reducing street maintenance to a two-man crew.

Councilmember Barovsky suggested the money put into the general fund reserve could be reduced although she still wanted to reach the \$8 million goal. She stated she did not want to reduce the city hall set-aside fund. She stated she felt the VLF would be reinstated and the City shouldn't do anything drastic.

Councilmember Stern suggest an A and B budget, one including VLF reduction. City Manager Lichtig stated staff was approaching the budget process in that manner. She explained that one budget would be presented based on staff's best professional judgment.

Mayor Pro Tem Kearsley suggested the cable franchise experts be cut immediately. City Manager Lichtig discussed the cable franchise negotiations.

MOTION

Councilmember House moved and Councilmember Stern seconded a motion to approve the reclassification of one Building Technician to a Department Specialist in the Building and Safety Department. The motion carried unanimously.

B. Second Quarter Fiscal Year 2002-2003 Council Goals Status Report

City Manager Lichtig indicated she was available to respond to questions.

Mayor Pro Tem Kearsley asked if the Interim Zoning Ordinance Revisions and Code Enforcement Subcommittee (IZORACES) had reviewed the Hillside Management ordinance. Mayor Jennings explained that it was heard by IZORACES and was going to the Planning Commission.

Councilmember House indicated it was necessary to get a handle on the cable franchise with Charter Communications.

Councilmember House asked about the delay on storm water treatment facility. City Manager Lichtig indicated staff was still awaiting the construction contract from the State. She advised the Council that it was imprudent to move forward without a signed contract. City Engineer / Acting Public Works Director Morgan stated construction was projected to begin in August 2003. He explained that a Coastal Development Permit would be required which was put on hold due to the LCP.

C. Second Quarter Fiscal Year 2002-2003 Work Program Status Reports

1. Administrative Services Director

Administrative Services Director James provided an overview of the Administrative Services Department status report.

There were no questions.

2. Building Safety Director

Building Official Peterson presented a summary of the Building Safety Department Work Program Status Report.

Bruce Douglas provided an update on the Groundwater Study and Clean Beaches Initiative grant. He reviewed implementation of on-site wastewater management.

Councilmember Barovsky complimented Mr. Douglas for his work for the City.

Mayor Pro Tem Kearsley complimented the Building Department and Mr. Douglas.

Mayor Jennings expressed encouragement that the City was studying the wastewater. He stated he was happy to see the programs and testing were going well.

City Manager Lichtig explained that the City had been invited to make a presentation to the Regional Water Quality Control Board (RWQCB) in March 2003. She stated staff was making progress in terms of spreading the word about the good works the City is doing.

Building Official Peterson reviewed the Building Safety Department Performance Measures.

Mayor Jennings stated it appeared that State Water Resources Control Board was ignoring the AB885 Task Force work.

3. Engineering Services / Public Works Director including Second Quarter Fiscal Year 2002-2003 Capital Improvement Projects Status Report

City Engineer / Acting Public Works Director Morgan presented the staff report.

Mayor Pro Tem Kearsley asked about restripping the right hand turn lane from Pacific Coast Highway onto Malibu Canyon to make the turn pocket longer. City Engineer / Acting Public Works Director Morgan stated the current right turn pocket could potentially be extended. Mayor Pro Tem Kearsley questioned ingress and egress for the condominiums on Civic Center Way. City Engineer / Acting Public Works Director Morgan discussed proposed improvements related to the Civic Center Way cul de sac pilot project.

Councilmember House asked how long the test program on Civic Center Way would run. City Engineer / Acting Public Works Director Morgan stated it would run for six months. Councilmember House asked when the Pacific Coast Highway Beautification Committee would come before the Council. City Engineer / Acting Public Works Director Morgan indicated February 10. Councilmember House asked how commercial and multi-family recycling was doing. City Engineer / Acting Public Works Director Morgan indicated figures would be provided in July 2003, but the preliminary numbers were encouraging. Councilmember House suggested the Public Works Commission review education potential on household hazardous waste.

Mayor Jennings stated he had received a fairly negative report from the Public Works Commission regarding Civic Center Way cul de sac pilot project. City Engineer / Acting Public Works Director Morgan stated the Commission took action in opposition to the project. Mayor Jennings suggested a massive publicity campaign be done before beginning the pilot project. He discussed a meeting regarding the culvert underneath Pacific Coast Highway at Solstice Canyon. City Engineer / Acting Public Works Director Morgan discussed the proposed project, cost, and completion estimates.

In response to Mayor Pro Tem Kearsley, City Engineer / Acting Public Works Director Morgan explained fish spawning.

Councilmember Barovsky asked about the Civic Center Way cul de sac pilot project. She asked if the Public Safety Commission had reviewed the pilot project. City Engineer / Acting Public Works Director Morgan stated he was not aware if they had reviewed it. Councilmember Barovsky discussed the Public Works Commission's review of the pilot project. She suggested informing the Public Works Commission of those supporting the test. She suggested sending information on the test through the schools and providing information to the homeowner's associations.

Mayor Pro Tem Kearsley suggested graphics be created for the pilot project and alternatives.

City Manager Lichtig discussed the Burn Area Emergency Rehabilitation (BAER) program and indicated the City would not enter anyone's property without the request of a property owner.

City Engineer / Acting Public Works Director Morgan presented the Capital Improvement Project Status Report.

City Manager Lichtig discussed the Zumirez realignment project and MTA funding.

CONSENSUS

By consensus, the Council directed staff to move forward with its efforts to receive MTA funds for the Zumirez realignment project.

Councilmember House asked about the use of Quimby funds for Las Flores Park. She questioned the time frame necessary for Cross Creek Road Reconstruction. City Engineer / Acting Public Works Director Morgan explained that the actual civil design had not yet begun, but will be launched in March 2003.

City Manager Lichtig explained that the Cross Creek Road Reconstruction project was also an MTA grant project. She further explained that the schedule was based on the assumption that the City would receive those funds.

Councilmember House asked how commercial venues were reacting to the redesign of Cross Creek. City Engineer / Acting Public Works Director Morgan indicated there was general enthusiasm and desire for more parking.

4. Parks and Recreation Director

Parks and Recreation Director Adams provided an overview of the Parks and Recreation Department Work Program Status Report.

The Council commended the Parks and Recreation Department.

5. Planning Director

Planning Director Purvis summarized the Planning Department Quarterly Report.

The Council prioritized the Zone Text and Subdivision Ordinance Amendments as follows:

1. Development Permits with View Preservation Ordinance
2. Wireless Telecommunications Ordinance
3. Basement Ordinance
4. Hillside Development Ordinance
5. Lot Line Adjustment and Lot Mergers

6. Commercial Landscape and Openspace

Mayor Pro Tem Kearsley asked if there was a fee schedule for Coastal Development permits. Planning Director Purvis explained that the fees would be based on the amount of time it takes staff to process the permit.

Mayor Jennings discussed the LCP and referendum petition litigation.

6. City Clerk

City Clerk Pope indicated the Request for Qualifications and Proposals for a records management consultant had been distributed and responses were due February 21, 2003.

The City Council had no questions.

7. City Attorney

There was no report by the City Attorney.

8. City Manager

City Manager Lichtig provided an overview of the City Manager's Work Program Status Report including the grants consultant's concern regarding time constraints for grant applications and the need to submit grant applications without full Council action.

Councilmember Barovsky stated she was inclined to empower the Grant Writer to proceed with grant applications with the exception of potentially controversial projects.

Grant Writer Cameron explained the Clean Beach Initiative grant funds. She requested guidance on the CBI grant funds that would be used for studies that would be completed before actual capital project proposals. She suggested the possibility of a subcommittee to review Clean Water Program applications, possibly the Public Works Subcommittee.

Mayor Pro Tem Kearsley suggested the Council provide an approval in concept.

Grant Writer Cameron suggested the \$7,000,000 application be placed on the February 24, 2003 agenda for Council review.

Councilmember House asked if the grant required matching funds. Grant Writer Cameron explained that there were matching funds required for the CBI grant but the amount was not yet determined. She further noted that the Council would be able to take action to withdraw after a grant application was submitted if a matching requirement affected Council support for an application.

Grant Writer Cameron requested concurrence that the Council has approved the plan and authorized the grant writer to proceed with grant applications.

CONSENSUS

By consensus, the Council agreed to approve the plan for the Clean Beach Initiative application and authorize grant writer to proceed with grant applications with caution on a case-by-case basis.

Grants Writer Cameron discussed a future grant-writing workshop to be sponsored by the City.

ADJOURN At 9:07 p.m., Councilmember Barovsky moved and Mayor Pro Tem Kearsley seconded a motion to adjourn. The motion carried unanimously.

Approved and adopted by the City Council of
the City of Malibu on March 10, 2003.

JEFFREY D. JENNINGS, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)